

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

POWER COMPANY, INC., doing business
as THE CRAZY HORSE TOO and
FREDERICK JOHN RIZZOLO,

Defendants.

2:06-cr-00186-PMP-PAL

ORDER

On May 21, 2014, Appellate Commissioner Peter L. Shaw entered an Order (Doc. #523) remanding the Appellate proceedings to this Court for the limited purpose of determining whether the tardy filing of Defendants/Appellants' Notice of Appeal was the result of "excusable neglect or good cause" in accord with Fed. R. App. P. 4(b)(4). *United States v. Ono*, 72 Fed. 3d. 101, 103 (9th Cir. 1995).

On May 23, 2014, Defendants/Appellants filed a Motion for Extension of Time to File Appeal (Doc. #521) in accord with Fed. R. App. P. 4(b)(4). The Government filed its Response (Doc. #526) on June 4, 2014, and Defendants/Appellants filed their Reply Memorandum (Doc. #527) on June 8, 2014. Having considered the arguments set forth therein, the Court finds good cause is presented by Defendants/Appellants to warrant the relief requested.

1 **IT IS THEREFORE ORDERED** that Defendants/Appellants' Motion for
2 Extension of Time to File Appeal (Doc. #521) is GRANTED, and that pursuant to Fed.
3 R. App. P. 4(b)(4), the time within which Defendants/Appellants must file and serve a
4 Notice of Appeal is hereby extended for a period of thirty (30) days from the date of this
5 Order.

6 **IT IS FURTHER ORDERED** that the Clerk of Court shall forthwith cause a
7 copy of this Order to be transmitted to Appellate Commissioner Peter L. Shaw at the
8 United States Court of Appeals for the Ninth Circuit.

9 Dated: June 13, 2014.

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12 PHILIP M. PRO
13 United States District Judge
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